

**WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2013**

CONDUCTING:

Gary Sharp, Vice Chairman

COMMISSION MEMBERS PRESENT:

Gary Sharp, Vice Chair
Jennifer Bassarear
Brent Page

Curtis Poole
Matt Terry

COMMISSION MEMBERS EXCUSED:

Leo Beecher
Dan Bradford

STAFF PRESENT:

Tim Stephens, Community Development Director
Bonnie Craig, Secretary
James Sheldon, City Council Member

VISITORS:

Michael Deamer
Ken Jensen
Denise Smoot
Lois Schrader
Shanna Rima
David Barnett
MaryJo Webb
Patrick Lucero
LeeAnn Hansen
Elise Hutchinson
Michelle Francis
Julie Christensen
Colin Loose
Elorie Nelson
Shana Runyan
Tammy Myers
Tim Bothill
Matthew Stewart
Madelyne Smoot
Ashley DeWaal
Dell Nichols
Sharman Smoot

Marty Martinson
Sadie Smoot
Ryan Westergard
Kathy Larson
Mark Rima
Jason Broderick
Rick Hawley
Karen Kriegbaum
Austin Hansen
Becky Ginos
Christel Stull
Jay Christensen
Terah Doane
Mathew Simonsen
Scott Smoot
Eric Tuttle
Orlando Torres
Carlee Stewart
Jeff Ord
Howard Turpin

Kristin Beard
Sydnee Smoot
Don Schrader
Claudia Barnes
Becky Barnett
Clayton Schmoekel
Stephanie Hawley
Laury Redd
Rick Hutchinson
Julie Checketts
Gary Francis
Gina Strack
Marc Doane
Synthia Simonsen
Scott Myers
Kathy Kriegbaum
Jay Christensen
Korbin Smoot
Holly Ord
Kathy Turpin

PLEDGE OF ALLEGIANCE:

Jennifer Bassarear

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 2

APPROVAL OF MINUTES

The Planning Commission reviewed the minutes of the combined Planning Commission/City Council Meeting held March 22, 2016. After their review, Commissioner Poole made a motion to approve the minutes as written with Commissioner Page seconding the motion and the motion carried.

The Commission then reviewed the minutes of the Planning Commission Meeting held March 29, 2016. After their review, Commissioner Bassarear made a motion to approve the minutes as written with Commissioner Page seconding the motion and the motion carried.

OPEN SESSION

Vice Chairman Sharp then opened the meeting to items from those present that they would like to bring before the Commission that were not on the agenda.

There were no comments for the open session and Vice Chairman Sharp closed the open session.

SMOOT OLDE TOWNE CENTRE MIXED USE RESIDENTIAL MASTER PLAN
DISCUSSION—1492 SOUTH 800 WEST—SHARMAN SMOOT

Vice Chairman Sharp then noted for the Commission that he had met with Mr. Smoot previously and had a discussion with him regarding the development.

The Community Development Director, Mr. Tim Stephens, then introduced this item to the Planning Commission. He said that Mr. Sharman Smoot would be formally presenting a proposal for the Olde Towne Centre Mixed Use Residential project he is representing. He said it would be an extension of the existing office/retail building on the corner of 1500 South and 800 West. He noted this project is being presented as a mixed use project that will have a residential component in addition to the office/retail space now existing on the corner. The project consists not only of the existing commercial building but three proposed three-story apartment buildings with a small green space on the property.

Mr. Stephens noted there has been a great deal of public concern and comment regarding this project. Earlier this year Mr. Smoot held an open house which was very well attended. Many of those in attendance had concerns about the projects impact to the surrounding properties and neighborhood and have made comments which have been given to the Planning Commission and City Council for review.

Mr. Sharman Smoot was invited forward to present his information to the Commission. He told the Planning Commission he was happy to be starting the process in regards to this project and he is one of 12 property owners involved in this project. He said he would be presenting some basic information to the Commission about the proposed mixed use development. He said he has

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 3

been an investor in businesses previously in Woods Cross and had built the Olde Towne Center development in the city. He said he and the other investors are looking into putting in a high end mixed use development that would replace some of the other homes and storage units within the area. He noted the office retail space would be redone and updated as part of the project. He said they are anticipating putting in 60 apartment units on the 3.22 acres of property and that the proposed apartments would have separation walls that would allow them to become condos depending on the long term financing for the project. He said the rental rate would be around \$1300 dollars a month for the apartments and they are planning on investing \$11 million dollars into the project to make this a nice development. He said he felt that this type of high end development would bring in high caliber families that would be good neighbors and fit into the community nicely.

Mr. Smoot gave a packet to the Commission containing information and pictures regarding the proposed development for their review. He also gave a power point presentation to the Commission and public present that outlined the information and details of the project.

Mr. Smoot outlined for the Commission five of the main concerns that had been previously raised by attendees at the open house that was sponsored by the investors for neighbors to come and ask questions and discuss concerns they had regarding this project.

The first concern that Mr. Smoot addressed was how this project would affect property values. Mr. Smoot said he found studies and research that supported that multi-family rental housing does not cause neighboring property values to decline. He said that if properties are upgraded it inspires others in the neighborhood to upgrade as well.

The second concern that was brought up by residents at the open house was that it would become run down and problematic in the future. Mr. Smoot said there are many people who choose to rent instead of buying and that does not mean they will become run down in the future. He said the way to preserve these buildings is to make them a beautiful and high end complex. He said other measures taken to preserve the buildings long term would be to include a high end master design, a signed development agreement with the city, to have an on-site manager, to have full time maintenance, and do extensive background screening for potential renters. He said it may be likely they could become run down, but that it is not probable.

The third concern that was expressed from comments from the open house was the possibility that crime would increase. He said that he had been involved in similar projects in Centerville and Farmington and there had been less crime reported in these projects than from single family homes in the area. He also noted that crime can be reduced by becoming partners with crime-free types of associations.

The fourth concern was the impact to traffic in the area. Mr. Smoot said they would be hiring someone to do a traffic study in the area and they would be looking at traffic impacts. He also said they will be constructing well lit pedestrian friendly walks into the project.

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 4

Commissioner Terry said his biggest concern was adding more traffic to the area and asked Mr. Smoot if he had looked at putting in two entrance/exits on 800 West instead of one on 1500 South and one on 800 West to try and keep traffic off the busier 1500 South road. Mr. Smoot said he had not looked into that but could take it into consideration. Mr. Smoot said traffic was a concern with the railroad nearby and the 4-way stop. He said that it might help traffic flow better in the area if a stop light were to be installed at the intersection but he would refer to the traffic experts as they do the traffic study.

Mr. Scott Smoot, one of the investors of the project, asked if there was a certain time of day that was worse for traffic than another. It was noted that when the school zones were active, when TRAX closed the railroad crossing as well as when regular trains close the crossing, can all contribute to traffic problems throughout the day.

The fifth and final concern Mr. Smoot addressed was what the impact to the schools would be with the development. He said that in 2009 there were 950 students in the elementary school and today there are 669 students. He said the principal at the school said the ideal number of children for the school would be to add 15-20 students per year to keep classrooms full and to retain the number of teachers the school needed. Mr. Smoot said he felt like this development would help bring in the number of students that would be beneficial to the school.

Mr. Smoot said he and the other property owners were hoping to create a beautiful master planned center at the city's hub which is at the intersection located near the proposed project. He said they care about the neighborhood and its future.

The Commission asked how many parking stalls would be included for the project. Mr. Smoot said 122 stalls which is about 2 per unit and this number only included the residential units.

The Commission asked if it was possible to get the power point presentation that Mr. Smoot presented to the Commission on the city's website. Staff said they would look into getting that done so the information was available online.

The Commission asked Mr. Smoot if he has an alternate plan for the project in the event that traffic studies indicate that this is not a good location for this project. Mr. Smoot said that he has no alternate plan. The Community Development Director said there would be many things taken into consideration when doing the traffic study and information would be looked at to see if mitigation would need to take place after the traffic study is done.

Mr. Eric Tuttle, the projects architect, said traffic engineers would be hired and all items regarding traffic would be discussed and they would consider alternative actions. He said he felt like putting in smaller retail businesses in the area would make traffic worse and wondered what traffic would be like with some of the other allowable uses within the zone.

It was brought up by some of the Commission that they would prefer to see a more traditional look for the project instead of the Mediterranean look that is was being shown in the drawings

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 5

given to the Commission in the packet. The Commission also asked what the occupancy would be for the apartments. Mr. Smoot said that he felt like demand is high in this area and that occupancy would be at 90-95%.

Mr. Smoot concluded his presentation and thanked the Commission for their time.

Vice Chairman Sharp then invited other comments from those present regarding this proposed project.

Ms. Becky Barnett came forward. She said she is the Trustee for the Hamilton apartments located adjacent to the proposed project property. She said if the proposal moves forward she would like to see a designated "No Smoking" area far away from her apartment complex as the Hamilton apartments are 100% non-smoking units. She also said the apartments are 100% pet free units and she did not want her tenants to have to deal with cleaning up after pets in the area from people living in the apartment units. She also said she had concerns for where some of the trees would be located because they may pull up concrete near the storage and carport edge areas near the Hamilton apartment complex. She said she is generally opposed to the project but will be a good neighbor if the project is to go in.

Mr. Laury Redd then addressed the Commission. He said he lives east of where the proposed project would go in and he did not think this project would contribute to the look of the city especially in the proposed location. He said he felt we have enough high density housing in Woods Cross and he did not want 60 units going in on that corner. He said that the 3 story building would also block the nice view he has from his home to the west. He said he was not opposed to development going in here but just not the 60 unit apartments.

Mr. Clayton Schmoekel then came before the Commission and said he lives in the Madison Square town homes near the proposed project. He said the 12 investors would not be living in the city so what they do here does no impact them. He said the project would have a negative impact on traffic, it would increase the density in the city and property values would decrease. He said he felt the welfare of the community should be considered. He also said there is a drastic difference in how owners treat property opposed to renters. He said renters do not have any incentive to make the property a better place.

Ms. Julie Checketts then came before the Commission. She said she was a representative of many of the neighbors who are opposed to this project. She also gave the Commission a packet of information and said she had done a lot of reading and studying of the zoning ordinances for the city. She said she felt like there needed to be clarification of the C-1 zone next to a residential area. She said as she read the zoning ordinances for this area that seven out of nine items in the zoning ordinances are not being met by this proposal. She said the following purposes and objectives in the General Provisions Chapter 12-1-102 of the zoning ordinances are not being met:

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 6

(B) To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion in the streets.

(C) To increase the security of home life and preserve and create a more favorable environment for the citizens of the City of Woods Cross

(D) To stabilize and improve property values

(E) To enhance the economic well-being of the inhabitants of the city of Woods Cross

(F) To promote the development of a wholesome, serviceable and attractive city resulting from an orderly development and effective use of resources

(G) To promote and expand economic development of the City in order to expand the City's tax base

(H) To foster the industries that will be conducive to the City's philosophy of clean and attractive industry

She went on to say she is also very concerned about the traffic in this area if a stop light were to go in because of back-up that can occur going north and south when there is a train at the railroad crossing. She also said she felt a stop light would increase speeding as people try to make it through the light when it is green. She noted that a stop light costs around \$1.5 million dollars which would probably be paid for by the tax payers of the City. She also said she did not feel like two entrance/exits onto 800 West is a good idea as it would be difficult for people to turn into the project if there were a traffic back-up on 800 West.

Ms. Checketts went on to say that there are no parks or green space represented in this project. She also said she is concerned for safety and crime and that we already have some problem areas in the city regarding crime and safety and we do not need to add more.

Ms. Checketts said she had also done some research about apartments being rented in the area and she said there are over 100 apartments already for rent in the area.

Ms. Checketts also noted as she read over the zoning ordinances she read many times that the height of buildings within the city were to be limited to 2 stories.

She then noted that in the Olde Towne Center in which Mr. Smoot owns, there had been 25 businesses go in and out of that complex over the past nine years.

Ms. Checketts said she felt that it all comes down to money and that this project is not in the best interest of the City or the citizens.

Mr. Jay Christensen then voiced his opinion on the project. He said he currently lives at 811 West 1175 South but has lived in three other homes in Woods Cross over the years. He said he loves living in a single family home environment and he understands profit margins but is concerned over the long term affect with owner occupied residences versus non-owner occupied residences. He said there is no incentive to keep up properties when you do not own them and that the main reason for this project is the profit motive. He said he felt like the property would not be maintained long term because maintenance costs money and it would cut into the profit

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 7

margin of the property developers. He also expressed his concern that property values would decrease if the project were to go in. He said we will have to live with this decision for decades and did not feel like this is the right place for the project.

Mr. Gary Francis then gave his comments. He said that since the commuter rail went in a few years ago it has increased foot traffic in his neighborhood. He said he cannot even go into his backyard without closing his garage for fear someone will come by and take something. He said he did not want to see more foot traffic in the area which would increase with these units going in. He said there have been more break-ins with the increased foot traffic and feels like with adding 60 more dwellings, crime will increase. He said he is opposed to the 3 story buildings being proposed and is also concerned about the increase in traffic.

Mr. Dell Nichols then came before the Commission and said he owns property south of the Apple Store and is a resident of Farmington. He said all of his older children that are grown have rented and have chosen to do so. He said he attended the open house and didn't see any representation from any of the younger crowd there. He expressed his concern over giving control of the long term property to someone else. He said he would like to see Woods Cross have a downtown and look to the future by bringing good mixed use that would complement the area.

Commissioner Poole was excused from the meeting at this time.

Ms. Crystal Stowell then came before the Commission and said she had been a resident in Woods Cross for 38 years and has a grown daughter who lives in Centerville. She said she would like to have an option for her grown children to stay as a resident of Woods Cross. She said this project would be a good option for that. She also said that the argument of having increased crime in the project is not a relevant argument as she has had some neighbors living in homes near her that have had problems with the law in the past.

Mr. Mike Beamer, the attorney for the 12 property owners, noted for the Commission that the property owners are not asking for any of the ordinances to be changed and the owner's know they need to comply with all the state statutes and that each City has the right to all conditional uses and fees. He said the presented project would address all of these and all ordinances would be met. He thanked the Commission for their time.

Mr. Marty Martensen said he owns the Salt City Business that would be located next to the project and said that there are two single family homes that are not being maintained near his business. He said his building has been occupied for 20 plus year, 5 of them with him personally, and he would like to see something of value to go in and beatify this area.

Ms. Kristen Beard then commented saying she lives on 1500 South and 90% of the traffic in the city is coming from the west part of the city with all of the subdivisions located to the west. She said no one in her area leaves at the exact same time for work each day so the traffic will stay the

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 8

same. She said the storage units that are located on the proposed property are not attractive and the apartments would be a nice addition to the area.

Mr. Scott Smoot then said he appreciated the Commission's time and said the property owners care about this area and are just trying to put in a good project. He said it is not for the dollars and cents and that they want to build a high quality project. He also said that communities grow from within and those who live here want to return or stay here. He said this is not an ordinary project and it would be high quality because they are concerned about the City.

There were no further comments and Vice Chairman Sharp said the Commission would review the City ordinances and appreciated all of the comments that were given at the meeting.

Vice Chairman Sharp called for a short break at this point in the meeting.

MANUEL'S FINE FOODS SITE PLAN AMENDMENT—1926 WEST 2425 SOUTH—
PATRICK LUCERO

Mr. Stephens then went over this agenda item with the Commission. He noted that Manuel's Fine Foods is proposing an addition on the north side of their existing building. The proposed addition still leaves 50-feet of the setback from the rear property line. The purpose of the addition is to expand their processing and in particular the warehouse area. The addition will be constructed in the same manner as the existing building and will match in terms of color and materials with the existing building. The proposed building will have wall lights installed along the east and west walls. There will be no lighting installed along the north side facing the residential neighborhood. The lighting fixtures were discussed with the applicant and he said he will be using full cutoff wall fixtures which should shield any unwanted light from the adjacent neighborhood.

It was noted that some of the buffering trees located at the rear of the property had died and the applicant will need to replace some of these trees to complete the required rear buffer.

Mr. Patrick Lucero appeared before the Commission representing this item. He noted this was family business and the family has been in business for many years. He said they were in agreement with the conditions that had been outlined.

There were no further questions and Commissioner Page made a motion to approve the site plan amendment for Manuel's Fine Foods and Mr. Patrick Lucero with the following conditions:

1. Required landscape buffer along north property boundary shall be restored to meet the buffer requirement of one tree for every 15 feet of buffer length with one third of the trees being evergreen.
2. Applicant shall use full cutoff lighting systems and at no time shall any lighting from the project negatively impact the adjacent residential area.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 9**

Commissioner Bassarear seconded the motion and the motion carried.

OUTSIDE STORAGE REGULATIONS DISCUSSION—JERRY STEVENSON

Mr. Stephens noted that Mr. Jerry Stevenson is interested in developing more lots within the light industrial business park he has been working on located in the area just north of 2600 South and west of 1100 West which has two developments already constructed and in place. He said there have been a few potential businesses that have expressed an interest in developing lots within the light industrial park but a few of the operations involve small amounts of outside storage. Some of the lots in one area of the business park are encumbered by several petroleum lines and other easements leaving large areas that cannot have buildings placed on them. Mr. Stevenson has expressed interest in using a portion of these lots for certain types of storage but these properties are zoned I-1 Light Industrial and do not permit outside storage.

Mr. Stevenson has asked to discuss the possibility of amendments to the ordinance to permit outside storage in the zone because of the special circumstances. Mr. Stephens reminded the Commission the City has had quite a solid stance over the last two decades in trying not to permit and to control outside storage due to the fact that in many cases light industrial zones interface directly with residential areas of the city. There are many old non-conforming, contractor storage areas that tend to be full of junk and materials that are unsightly.

Mr. Jerry Stevenson then appeared before the Commission. He told the Commission he had owned the property in question since 2008 and has had several people approach him about purchasing some of the property for development. He said because of the petroleum lines and easements on some of the property there are not a lot of options for businesses to locate there. He said he is paying \$1500 per acre in taxes and would like to be able to develop this property and make it useable. He said there was a steel fabrication company that was interested in the property but there may be a few trucks that might have to be parked on the property overnight as steel products are unloaded and loaded. Mr. Stevenson said he would be willing to build a solid 8-foot wall to screen the property if the Commission might consider allowing such a business to locate on the property.

The Planning Commission discussed what the possibilities might be for this property and because of the petroleum lines and easements they did not see a lot of possibilities for the use of the property. In consideration of this they directed staff to get with the city attorney and look into ideas or possibilities they might consider and see if they can come up with a good solution to utilize this property.

Mr. Stevenson thanked the Commission for their time and consideration.

GENERAL AND PENDING

Mr. Stephens told the Commission there was a conditional use application that had been inadvertently set aside that was supposed to be on tonight's agenda. He said that agendas for

OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION MEETING
APRIL 12, 2016
PAGE 10

public meetings can't be amended for 24 hours after they are posted and because the applicant's lease agreements and the business having to move, this item needed to be considered as soon as possible.

After a discussion on the above information it was decided a special meeting could be held in order to consider the conditional use application request. The date of Friday April 15th at 5:00 P.M. was decided for the Planning Commission to have the special meeting to consider the request.

ADJOURNMENT

There being no further business before the Planning Commission, Commissioner Bassarear made a motion to adjourn the meeting at 9:05 P.M.

Gary Sharp, Vice Chairman

Bonnie S. Craig, Secretary